

1 NORMAN L. SMITH [SBN 106344]
nsmith@swsslaw.com
2 TANYA M. SCHIERLING [SBN 206984]
tschierling@swsslaw.com
3 SOLOMON WARD SEIDENWURM & SMITH, LLP
401 B Street, Suite 1200
4 San Diego, California 92101
Telephone: (619) 231-0303
5 Facsimile: (619) 231-4755

6 Attorneys for Petitioner
HANSEN BEVERAGE COMPANY
7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 HANSEN BEVERAGE COMPANY, a
Delaware corporation,
12

13 Petitioner,

14 v.

15 DSD DISTRIBUTORS, INC., a Wisconsin
corporation
16

Respondent.
17

CASE NO. 08-CV-0619 LAB (RBB)

**PROOF OF PERSONAL SERVICE ON DSD
DISTRIBUTORS**

TANYA M. SCHIERLING, ESQ.(SBN 206984)
SOLOMON, WARD, SEIDENWURM & SMITH
401 "B" STREET, SUITE 1200
SAN DIEGO CA 92101

619-231-0303 Ref. No. : 0408454-01
Attorney for : PETITIONER Atty. File No. : 07565.132

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT CALIFORNIA

PETITIONER : HANSEN BEVERAGE COMPANY
RESPONDENT : DSD DISTRIBUTOR INC.

Case No.: 08-CV-00619-LAB(RBB)
PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the PETITION; SEE ATTACHED LIST FOR DOCUMENTS
3. a. Party served : DSD DISTRIBUTORS, INC., a Wisconsin corporation
AUTHORIZED AGENT FOR SERVICE: STEVE BYSTED
b. Person served : DEB AGATE, ADMINISTRATIVE MANAGER
(AUTHORIZED AGENT FOR SERVICE)
4. Address where the party was served 616 GATEWAY LANE
MILTON, WI 53563 (Business)
5. I served the party
a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on April 11, 2008 (2) at: 12:21 PM
6. Witness fees were not demanded and were not paid.
7. **Person who served papers**
a. JOSEPH DESCAFANO
b. KNOX ATTORNEY SERVICE, INC.
2250 Fourth Avenue
San Diego, California 92101
c. 619-233-9700
d. Fee for service: \$207.00
e. I am:
(3) a registered California process server
(i) an independent contractor
(ii) Registration No.: 152
(iii) County: San Diego

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: April 16, 2008

Signature: SEE ATTACHED NOTARIZED AFFIDAVIT
JOSEPH DESCAFANO

AFFIDAVIT OF SERVICE

STATE OF: CALIFORNIA
COUNTY OF: San Diego
CASE NUMBER: 08-CV-00619

PLANTIFF: Solomon, Ward, Seidenwurn & Smith

VS.

DEFENDANT: Hansen Beverage Company, DSD Distributor Inc.

TYPE OF SERVICE:

PARTY TO BE SERVED: DSD Distributions Inc.

ADDRESS WHERE SERVED: 616 Gateway Dr
(OR ATTEMPTED): Milton WI 53563

MANNER OF SERVICE CHECKED BELOW:

SERVICE DATE 1: 4/11/2008 TIME 1: 12:21 PM DATE 2: TIME 2:
ATTEMPTS DATE 3: TIME 3: DATE 4: TIME 4:

SERVED SUCCESSFULLY: ☒ DATE: 4/11/2008 TIME: 12:21 PM ATTEMPTS: 1

PERSONAL: ☐

I served the same by delivering a copy thereof to the same personally

SUBSTITUTE: ☐

I served the same on the above person by subserving:
who is over the age of 14 years and is a resident of the above person's usual place of abode.

CORPORATE OR GOVERNMENT: ☒

I served the same on the above company, corporation, etc., by delivering a copy
to: Deb Agate
whose position is: Administrative Manager
and is over the age of 18 years.

DESCRIPTION OF PERSON ACCEPTING SERVICE

AGE: 46 SEX: F RACE: W HEIGHT: 5'5 WEIGHT: 145 HAIR: Blonde

NOT SERVED: ☐

After due search, careful inquiry and diligent attempts at the address(es) listed above, I have
been unable to effect process upon the person/entity being served because of the following
reason(s) checked below:

UNKNOWN AT ADDRESS: ☐

MOVED, LEFT NO FORWARDING: ☐

OTHER:

WHEN ASKED IN REFERENCE TO MILITARY STATUS THE INDIVIDUAL STATED:

MILITARY STATUS None: ☐ Active: ☐ Non-Active: ☐ Branch Of Service:

I hereby certify that I am not a party to the above action of suit and I am over 18 years of age
and the above affidavit is true and correct. Under penalties of perjury, I declare that I have read
the foregoing affidavit and that the facts stated in it are true.

State of Wisconsin

Sworn to and Subscribed before me this 14 day of April, 2008

Signature of Process Server
Service Fee: \$75.00

NOTARY PUBLIC IN AND FOR THE STATE OF WISCONSIN
My Notary Commission Expires 9.4.2011

D.P.I. Descafano Private Investigations, WI Lic.# 16458-062
1941 Adel St. Janesville, WI 53546 * (608) 758-9471

DONA BOLTON
NOTARY PUBLIC
STATE OF WISCONSIN

1. PETITION TO CONFIRM ARBITRATION AWARD;
2. DECLARATION OF TANYA M. SCHIERLING IN SUPPORT OF PETITION TO CONFIRM ARBITRATION AWARD AND *EX PARTE* APPLICATION TO FILE DOCUMENT UNDER SEAL;
3. *EX PARTE* APPLICATION TO FILE DOCUMENT UNDER SEAL;
4. [PROPOSED] ORDER GRANTING *EX PARTE* APPLICATION TO FILE DOCUMENT UNDER SEAL; and
5. [PROPOSED] ORDER CONFIRMING ARBITRATION AWARD